

8-27-08

PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

7

Application Number

10/802,992

Filing Date

March 16, 2004

First Named Inventor

Chad John Kugler

Art Unit

3735

Examiner Name

John P. Lacyk

Attorney Docket Number

000787-0007-101

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) (1 annotated sheet) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
Remarks The Director is hereby authorized to charge payment of any fees, or credit any overpayment, required in connection with this Reply to Office Action to Deposit Account No. 06-1075, Order No. 000787-0007-101. A duplicate copy of this Transmittal is enclosed herewith.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Ropes & Gray LLP		
Signature			
Printed name	Robert R. Jackson		
Date	August 25, 2008	Reg. No.	26,183

CERTIFICATE OF MAILING via Express Mail Label No.: EM209744602US

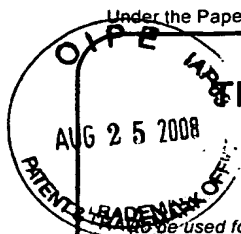
I hereby certify that the enclosures listed above are being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service with sufficient postage in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:			
Signature			
Typed or printed name	SARAH SCHLIE	Date	August 25, 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

American LegalNet, Inc.
www.FormsWorkflow.com

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

To be used for all correspondence after initial filing)

Total Number of Pages in This Submission

7

Application Number

10/802,992

Filing Date

March 16, 2004

First Named Inventor

Chad John Kugler

Art Unit

3735

Examiner Name

John P. Lacyk

Attorney Docket Number

000787-0007-101

ENCLOSURES (Check all that apply)

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/
Incomplete ApplicationReply to Missing Parts
under 37 CFR 1.52 or
1.53

Drawing(s) (1 annotated sheet)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional ApplicationPower of Attorney, Revocation
Change of Correspondence
Address

Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____



Landscape Table on CD



After Allowance Communication to TC

Appeal Communication to Board
of Appeals and InterferencesAppeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify
below):

Return Receipt Postcard

Remarks

The Director is hereby authorized to charge payment of any fees, or credit any overpayment, required in connection with this Reply to Office Action to Deposit Account No. 06-1075, Order No. 000787-0007-101. A duplicate copy of this Transmittal is enclosed herewith.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Ropes & Gray LLP

Signature

Printed name

Robert R. Jackson

Date

August 25, 2008

Reg. No.

26,183

CERTIFICATE OF MAILING via Express Mail Label No.: EM209744602US

I hereby certify that the enclosures listed above are being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service with sufficient postage in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:

Signature

Typed or printed name

SARAH SCHLIE

Date

August 25, 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



EXPRESS MAIL LABEL NO. EM209744602US

PATENTS
Attorney Docket No. 000787-0007-101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants : Chad John Kugler et al.
Application No. : 10/802,992 Confirmation No. : 4394
Filed : March 16, 2004
For : STOMACH REDUCTION METHODS AND
APPARATUS
Group Art Unit : 3735
Examiner : John P. Lacyk

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

August 25, 2008

REPLY TO OFFICE ACTION

Sir:

Responsive to the Office action mailed
July 11, 2008, please amend the above-identified patent
application as follows:

Amendments to the Claims begin on page 2 of
this Reply.

Remarks begin on page 5 of this Reply.